

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007

IN THE MATTER OF THE:

Riverside Avenue
Superfund Site, Newark,
Essex County, New Jersey

Nonpublic proceeding Under
Section 122 (e)(3)(B) of the
Comprehensive Environmental
Response, Compensation, and
Liability Act, 42 U.S.C. § 9622 (e)(3)(b)

SUBPOENA DUCES TECUM AND
SUBPOENA AD TESTIFICANDUM

Index No.

II-CERCLA-SUB-02-2012-2008

To: Mr. Tilghman Frey, RESPONDENT
6 Skyline Drive *SKYVIEW*
North Aledon, NJ 07508
JK

Date of Deposition

April 19, 2012

Time:

10:00 am - 2:00 pm

Place

United States Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007

Pursuant to the authority of Section 122(e)(3)(B) of the Comprehensive Environmental Response, Compensation, & Liability Act of 1980, 42 U.S.C. §9622(e)(3)(B) ("CERCLA"), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986), the United States Environmental Protection Agency ("EPA") is issuing this subpoena for the purpose of implementing Section 122 of CERCLA by collecting information relating to the Riverside Avenue Superfund Site.

YOU ARE HEREBY COMMANDED TO APPEAR IN PERSON at the following time and place:

TIME AND DATE: April 19, 2012 at 10:00 am

PLACE: United States EPA, Region 2
290 Broadway, 17th Floor
New York, NY 10007

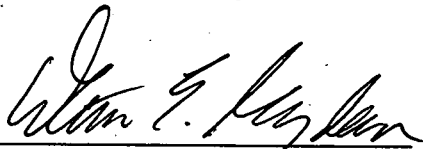
At the above time and place, EPA will take the statement of Mr. Tilghman Frey, regarding hazardous substances at the Riverside Avenue Superfund site, upon oral examination before a court reporter or other officer authorized by law to take sworn statements.

YOU ARE COMMANDED FURTHER TO TESTIFY THEN AND THERE UNDER OATH, GIVE ORAL AND TRUTHFUL ANSWERS to all lawful inquiries and questions put to you on behalf of EPA, and TO REMAIN IN ATTENDANCE until expressly excused by the attorney conducting the proceeding for EPA.

YOU ARE COMMANDED FURTHER TO BRING WITH YOU at the time and place stated above, and then and there produce for inspection and/or copying, all documents and/or records in your possession which relate to the Riverside Avenue Superfund Site located in Newark, Essex County, New Jersey. You are entitled to claim confidentiality over the information provided to the EPA, in accordance with 40 C.F.R. Part 2.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY SUBJECT YOU TO A CIVIL ENFORCEMENT ACTION.

Issued at New York, New York this 29th day of March 2012.



Walter E. Mugdan, Director
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
Region II
290 Broadway
New York, New York 10007

Any questions concerning this subpoena should be directed to:

William J. Reilly, Jr.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007-1866
(212) 637-3154

DEFINITIONS

1. The term "Riverside Avenue Superfund Site" or "Site" refers to the property located in Newark, Essex County, New Jersey at which Frey Industries, Inc. carried out various business operations prior to January 2000.
2. The term "Frey Industries, Inc." refers to the company by that name and any and all related or successor companies operating at the Essex County site.
3. The term "Jobar Industries, Inc." refers to the company by that name and any and all related or successor companies operating at the Essex County site.
4. The term "Jobar Packaging, Inc." refers to the company by that name and any and all related or successor companies operating at the Essex County site.
5. The term "records" refers to any notebooks, invoices, bills of lading, manifests, checks, notes, diaries, tape recordings, photographs, memoranda, affidavits, declarations, letters, testimony, statements in any form, handwritten or typed, whether recorded or made by you or by any other person, which are in your possession and which pertain to the subject matter of this subpoena.
6. The term "Company" or "your Company" shall mean any company (including Frey Industries, Inc.) which you either had an ownership interest in and/or you were a manager in and/or you were corporate officer of.

ATTACHMENT TO SUBPOENA Index No.II-CERCLA-SUB-02-2012-2008
AREAS OF INQUIRY AND ITEMS TO BE BROUGHT WITH YOU:

1. Information pertaining to your expertise, ownership and/or employment with any and all companies which were located at the Site.
2. Information pertaining to the operations and waste disposal practices at the Site.
3. Information pertaining to all operations your Companies carried out at the Site, including, but not limited to, storage, disposal and/or treatment practices at the Site.
4. Information pertaining to your Companies use of storage tanks inside buildings 7 & 12 and the underground storage tanks located outside of building 12.
5. Information pertaining to the shipment of material from the Site by your Companies which operated at the Site.
6. Information pertaining to the nature of the business arrangement between the following entities and any of your Companies (including Frey Industries, Inc.):
 - a. Ashland Chemical Company and any and all related or successor companies;
 - b. Arco, Inc. and any and all related or successor companies;
 - c. Baron-Blakeslee Company and any and all related or successor companies;
 - d. BASF, Inc. and any and all related or successor companies;
 - e. Bayer Corporation and any and all related or successor companies;
 - f. Berol, Inc. and any and all related or successor companies;
 - g. Brown Chemical Company and any and all related or successor companies;
 - h. Carbtrol Corporation and any and all related or successor companies;
 - i. Chemisphere, Inc. and any and all related or successor companies;
 - j. Drew Chemical Company and any and all related or successor companies;
 - k. Dow Chemical Company and any and all related or successor companies;
 - l. Evonik DeGussa Corporation and any and all related or successor companies;

- m. General Electric Company and any and all related or successor companies;
- n. Hexagon, Inc. and any and all related or successor companies;
- o. Hoffman LaRoche Company and any and all related or successor companies;
- p. Huls America, Inc. and any and all related or successor companies;
- q. Kramer Chemical Company and any and all related or successor companies;
- r. Klockner Company and any and all related or successor companies;
- s. Miles Company and any and all related or successor companies;
- t. Mobay Chemical Company and any and all related or successor companies;
- u. Monsanto, Inc. and any and all related or successor companies;
- v. Monson Companies and any and all related or successor companies;
- w. Olin, Inc. and any and all related or successor companies;
- x. RhineChem Company and any and all related or successor companies;
- y. RIT Chemical Company and any and all related or successor companies;
- z. Shell Chemical Company and any and all related or successor companies;
- aa. Sherex/Witco Company and any and all related or successor companies;
- bb. Union Carbide Company and any and all related or successor companies;
- cc. United Desiccants and any and all related or successor companies;
- dd. V.W.&R. Company and any and all related or successor companies;
- ee. Whittaker Company and any and all related or successor companies.

- 7. Information pertaining to the quantity, chemical composition, and nature of all materials which were taken to the Site by or on behalf of each of companies referenced above.
- 8. Information pertaining to all persons who were ever employed by any of your Companies when they operated at the Site, including the names, job titles and

responsibilities of all such persons while they were at the Site. Information pertaining to the current whereabouts of such persons.

9. Information pertaining to all companies which are not referenced above which transported or arranged for the transportation of any material, including any hazardous substance, to the Site so such material (or hazardous substance) would be treated, packaged, processed, mixed with any other material and/or or handled in any manner by any of your Companies at the Site.
10. Information relating to your activities at the Site, the activities of every company which you ever had a financial interest in and which operated at the Site, and all liability insurance policies which had you and/or any of your Companies as named insured(s) during any period of time when you or any of your Companies operated at the Site.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

_____)	
IN THE MATTER OF THE:)	CLAIM FOR FEES AND MILEAGE
_____)	Index No.
Riverside Avenue)	II-CERCLA-SUB-02-2012-2008
Superfund Site)	
_____)	

CLAIM FOR FEES AND MILEAGE:

Attendance Fees (@ \$40.00 per day)-----\$ _____
Common Carrier Travel, Actual Costs-----\$ _____

Privately Owned Automobile, Actual Round-Trip
Miles Traveled_____ x \$0.25-----\$ _____
Parking-----\$ _____

Toll Charges Actually Paid-----\$ _____

Subsistence (For Overnight Stay) Actually
Incurred-----\$ _____

TOTAL-----\$ _____

Claim is hereby made for the total amount above pursuant to 42 U.S.C. §9622(e)(3)(B) and 28 U.S.C. §1821.

Signature

Date

Print Name

Social Security Number

Mailing Address: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF THE:

Riverside Avenue
Superfund Site

) AFFIDAVIT OF SERVICE

) Index No.

) II-CERCLA-SUB-02-2012-2008

I hereby certify that being a person over 18 years of age, I served a copy of the attached subpoena on the person named and to the address shown on the subpoena on

April 6, 2012.

4-6-2012
Date

Paul L. Kahan
Signature

PAUL L. KAHAN

Print Name

OSC
Title

Hema Patel 4/6/12
HEMA PATEL
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 6/10/2015